

# EXHIBIT A

**Exhibit A**

**DRAFT LONG FORM NOTICE**

## **LEGAL NOTICE OF PROPOSED CLASS ACTION SETTLEMENT**

***This Notice describes your rights in connection with a proposed settlement of a lawsuit. A court authorized this Notice. This is not a solicitation from a lawyer. This is not a legal action against you. Please read this document carefully.***

**This Notice is to inform you of a proposed settlement of a class action lawsuit entitled *Basile v. Stream Energy Pennsylvania, LLC; Stream Energy Pennsylvania, LLC d/b/a Stream Energy; Stream Energy d/b/a Stream Energy Pennsylvania, LLC*, (“Defendants”), Case No. 1:15-cv-01518-YK, United States District Court for the Middle District of Pennsylvania.** As described below, this class action lawsuit is brought on behalf of all persons in the Commonwealth of Pennsylvania who purchased electricity from Defendants on a Variable Rate Electricity Plan during the Class Period.

This Notice is being provided to you pursuant to Rule 23 of the Federal Rules of Civil Procedure for the purposes of: (i) advising you that the parties have reached agreement on a proposed settlement; (ii) informing you that the Court has certified the lawsuit to proceed as a class action for purposes of settlement; and (iii) advising you of your rights with respect to the proposed settlement. This is only a summary of the settlement. The Settlement Agreement may be reviewed at [www.\\_\\_\\_\\_\\_.com](http://www._____.com).

### **1. SUMMARY OF RIGHTS AND OPTIONS**

<b>Remain In The Class</b>	Unless you exclude yourself, you will remain in the Settlement Class. This is the only way to receive a payment from the settlement. Settlement Class Members who submit a valid Claim Form by the deadline of _____ will receive a payment and will give up certain rights to sue Released Persons.
<b>Exclude Yourself</b>	If you exclude yourself, you can sue Released Persons on your own and at your own expense, but you will not receive a payment from the settlement. The deadline for excluding yourself is _____.
<b>Object</b>	You may file an objection if you wish to object to the proposed settlement. The deadline to object to the settlement is _____.
<b>Go to a Court Hearing</b>	Ask to speak in Court about the fairness of the proposed settlement. The Court has set a hearing for _____ at _____ a.m., subject to change. The deadline to request to speak at the hearing is _____.

### **2. SUMMARY OF THIS LAWSUIT**

This lawsuit is pending in the United States District Court for the Middle District of Pennsylvania. It was commenced by Plaintiff Steven Basile (“Plaintiff”) on behalf of himself and all persons in the Commonwealth of Pennsylvania with similar claims. Plaintiff alleged that Defendants’ acts and omissions in connection with its Variable Rate Electricity Plans in Pennsylvania, including the rates and amounts charged under such plans, constitute breach of contract.

Defendants are defending against and deny all of Plaintiff’s allegations. The Court has not ruled on the merits of Plaintiff’s claims or allegations nor has it ruled on the merits of Defendants’ defenses.

This Notice is not an expression of any opinion by the Court as to the merits of any of the claims or defenses asserted by either side in this lawsuit.

### **3. THE SETTLEMENT CLASS**

The Court certified this lawsuit to proceed as a class action for purposes of the proposed settlement. The Settlement Class is defined as:

**All persons in the Commonwealth of Pennsylvania who were enrolled as a customer of Defendants and were on Defendants' Variable Rate Electricity Plan at any time during the Class Period (*i.e.*, June 1, 2011 through \_\_\_\_\_).**

The term "Variable Rate Electricity Plan" means any and all variable rate electricity plans that were offered by Defendants to residential customers in Pennsylvania.

Excluded from the Settlement Class are: Defendants, any entities in which Defendants have a controlling interest, and any of their parents, subsidiaries, affiliates, officers, and directors; the presiding judge(s) in this case and her(their) immediate family; and any person who has previously released claims against Defendants, including but not limited to persons who released claims against Defendants pursuant to the settlement of a complaint submitted to the Pennsylvania Public Utility Commission.

Under the proposed settlement, members of the Settlement Class will release all manner of actions, causes of action, suits, accounts, claims, demands, controversies, judgments, obligations, injuries, damages and liabilities of any nature whatsoever, arising out of or relating to any conduct, act, or omission of any of the Released Persons concerning any of the conduct or similar conduct alleged or that could have been alleged in this Litigation, or that relates to or arises out of the rates charged to customers in connection with Defendants' Variable Rate Electricity Plans in Pennsylvania.

The term "Released Persons" means Defendants and all of their current and former parents, subsidiaries, affiliates, predecessors, successors, and assigns, and each of their respective, current, and former officers, directors, partners, owners, employees, agents, attorneys, and insurers.

### **4. CLASS COUNSEL AND CLASS REPRESENTATIVE**

In a class action, one or more persons are appointed to serve as the "class representative" to represent the interests of all persons with similar claims or defenses. In this case, the Court appointed Plaintiff Stephen Basile to serve as the class representative. The Court also approved Jonathan Shub of the firm Kohn Swift & Graf, P.C. and Troy M. Frederick of the firm Marcus & Mack, P.C. to serve as Class Counsel for the Settlement Class.

### **5. SETTLEMENT BENEFIT AND CLAIMS PROCESS**

Eligible Settlement Class Members who submit a valid claim shall be entitled to payment as follows:

A Settling Class member who was on Stream's Variable Rate Plan at any point between June 1, 2011 and February 29, 2015 (Time Period 1) will receive payment in the amount of 5% of all amounts he or she paid to Stream for service provided under the Variable Rate Plan during Time Period 1.

A Settling Class member who was on Stream's Variable Rate Plan at any point between March 1, 2015 and the date of preliminary approval (Time Period 2) will receive payment in the amount of 2% of all amounts he or she paid to Stream for service provided under the Variable Rate Plan during time Period 2.

**You must submit a claim to obtain these benefits.** The deadline to submit a claim is \_\_\_\_\_. You may obtain a claim form at [insert website].

## **6. YOUR RIGHTS AS A SETTLEMENT CLASS MEMBER**

This is a summary of your rights and options under the settlement:

**A) Remain A Class Member:** To remain a member of the Settlement Class, as described above, you do not have to file any document with the Court or take any other action at this time. However, if you wish to obtain money through the settlement, you must submit a claim form by [insert deadline].

**B) Exclude Yourself:** If you do not want to participate in this proposed settlement and you want to retain the right to sue Defendants about the legal issues in this case, then you must take steps to exclude yourself from the proposed settlement. This is called asking to “opt out” of the settlement Class. If you opt out of the settlement, you cannot obtain any monetary benefit from the proposed settlement, nor can you object to the proposed settlement. If you ask to be excluded, you may bring a different lawsuit against Defendants at your own cost. If you exclude yourself, you will not be bound by anything that happens in this lawsuit. Unless you exclude yourself, the settlement, if approved by the Court, will be binding on you and you will give up the right to sue Defendants for all of the claims that the settlement resolves.

Any notice of exclusion shall include the following: (a) your full name, (b) your phone number, (c) your current address, (d) address(es) at which you received service under the Defendants’ Variable Rate Electricity Plan, (e) a statement that you wish to be excluded from the settlement, and (f) your signature.

To be considered valid, your opt-out notice must set forth all of this information and must be timely mailed and received by the Settlement Administrator. You cannot ask to be excluded on the phone, by email, or on the internet. **You must mail copies of your request for exclusion postmarked by \_\_\_\_\_, 2018 to:**

**Settlement Administrator  
Basile v. Stream Energy Pennsylvania, LLC  
PO Box \_\_\_\_\_.**

**C) File An Objection:** If you disagree with any aspect of the proposed settlement and you do not opt out, you may ask the Court to deny approval of the proposed settlement by filing a written objection (as described below). You cannot ask the Court to order a larger settlement; the Court can only approve or deny the proposed settlement. If the Court denies approval of the proposed settlement, no settlement payments will be sent out and the lawsuit will continue.

All written objections must: (a) be clearly marked as your “Written Objections to Settlement Agreement” in *Basile v. Stream Energy Pennsylvania, LLC*, Civil Action No. 1:15-CV-01518; (b) state your full name, address, and telephone number; (c) state the time period during which you purchased electricity from Defendants on a Variable Rate Electricity Plan (to the extent you can identify it); (d) set forth a brief statement regarding the nature of your objections; (e) state the reasons for your objections; (f) include copies of any papers that support your objections; (g) your signature and verification under oath that you believe you are a Settlement Class member; and (h) if you want to be heard at the Final Approval Hearing (explained in more detail below), state that you intend to appear at the Final Approval Hearing. If the objection is made through an attorney, the written objection must provide the attorney’s name, address, email address, and telephone number.

All written objections must be filed with the Court by mailing them to the Court at the address listed below or by filing them in person at any location of the United States District Court for the Middle District of Pennsylvania. To be considered, any written objections must be postmarked or filed in person on or before \_\_\_\_\_. The address for the Court is:

**Clerk of the Court  
United States District Court, Middle District of Pennsylvania  
Ronald Reagan Federal Bldg. & U.S. Courthouse  
228 Walnut Street, P.O. Box 983  
Harrisburg, PA 17101**

Copies of all written objections must also be sent to both Class Counsel and Defendants’ Counsel by mailing the written objections to the addresses listed below on or before \_\_\_\_\_.

<b>CLASS COUNSEL</b>	<b>DEFENDANT’S COUNSEL</b>
Jonathan Shub Kohn Swift & Graf, P.C. One South Broad Street Suite 2100 Philadelphia, PA 19107	Robert C. Walters Gibson, Dunn & Crutcher, LLP 2100 McKinney Avenue Suite 1100 Dallas, TX 75201-6912

Settlement Class members who do not timely make their objections in this manner will be deemed to have waived all objections and shall not be entitled to be heard at the Final Approval Hearing.

**D) Be Heard At the Fairness Hearing:** You may appear at the Final Approval Hearing (described below), either in person or through your attorney. You or your attorney may file an appearance in this case with the Clerk at your own expense. If you appear through your own attorney, you are responsible for paying that attorney. Otherwise, unless you decide to exclude

yourself from the Settlement Class, you will be represented by Class Counsel. You will not have to pay Class Counsel any attorneys' fees, costs or expenses for their professional services.

For you or your personal lawyer to speak at the Final Approval Hearing, you must submit a written objection to the proposed settlement (as described above) or send a letter to the Court, Class Counsel, and Defendants' counsel at the addresses specified above that provides notice of your intent to appear at the Final Approval Hearing. Your letter must: (a) be clearly marked as your "Notice of Intent to Appear" in *Basile v. Stream Energy Pennsylvania, LLC*, Civil Action No. 1:15-CV-01518; (b) state your full name, address, and telephone number; (c) state the time period during which you purchased electricity from Defendants on a Variable Rate Electricity Plan (to the extent you can identify it); (d) set forth a brief summary of what you intend to say at the hearing; (e) identify and describe any evidence that supports your position; and (f) include your signature. Any written objections or letter expressing your intent to appear at the Final Approval Hearing must be postmarked no later than \_\_\_\_\_, 2018. The Court will decide if you will be allowed to speak at the Final Approval Hearing.

## **7. FINAL APPROVAL HEARING**

The Court is scheduled to hold a Final Approval Hearing (also known as a "Fairness Hearing") at \_\_\_\_\_ a.m./p.m. on \_\_\_\_\_, 2018 in Courtroom \_\_\_\_ of the United States District Court for the Middle District of Pennsylvania, Ronald Reagan Federal Bldg. & U.S. Courthouse, 228 Walnut Street, Harrisburg, PA 17101. The date and time of the Final Approval Hearing are subject to change without further notice. You may review the Court's docket for scheduling information.

At the Final Approval Hearing, the Court will consider whether the proposed settlement is fair, reasonable, and adequate, after hearing and considering any objections that may be filed. The Court also will consider Class Counsel's request for attorneys' fees, costs, and expenses, and a proposed incentive award of \$5,000 for Plaintiff in recognition of his time and energy devoted to serving and representing the Settlement Class. Defendants have agreed to pay attorneys' fees, costs, and expenses in an amount to be approved by the Court, of up to \$1,050,000. The Court may award less than that amount. Any fees, costs, and expenses awarded to Class Counsel will not reduce the amount of settlement benefits available to the Settlement Class.

You do not need to attend the Final Approval Hearing. Class Counsel will answer any questions the Court may have regarding the Settlement Class's position regarding the settlement. However, you may attend the hearing at your own expense. If you send a written objection to the Court, you do not have to attend the Final Approval Hearing to have that objection considered. As long as you submitted your written objection on time, the Court will consider it. You may have your own lawyer attend the Final Approval Hearing (at your expense), but it is not necessary that you do so in order for the Court to consider your written objection. To be heard at the Final Approval Hearing you must follow the procedure described in Section 6 above.

## **8. OTHER MATTERS**

If you have questions, you should contact your own attorney or direct your inquiries to Class Counsel at the address listed above or by telephone. Phone calls to Class Counsel Jonathan Shub of Kohn,

Swift & Graf, P.C. can be made by dialing (215) 238-1700. Phone calls to Class Counsel Troy M. Frederick of Marcus & Mack, P.C. can be made by dialing (724) 349-5602.

This Notice summarizes the proposed settlement. For the precise terms and conditions of the proposed settlement, please see the Settlement Agreement which is available at [www.\\_\\_\\_\\_\\_.com](http://www._____.com), by contacting Class Counsel, accessing the Court docket in this case through the Court's Public Access to Court Electronic Records (PACER) system at <https://ecf.paed.uscourts.gov/cgi-bin/ShowIndex.pl>, or visiting the office of the Clerk of the Court for the United States District Court for the Middle District of Pennsylvania, Ronald Reagan Federal Bldg. & U.S. Courthouse, 228 Walnut Street, Harrisburg, PA 17101, between 8:30 a.m. and 5:00 p.m., Monday through Friday, excluding Court holidays.

PLEASE DO NOT TELEPHONE THE COURT OR THE COURT CLERK'S OFFICE TO INQUIRE ABOUT THIS SETTLEMENT OR THE CLAIM PROCESS.

Dated: \_\_\_\_\_

Peter J. Welsh  
Acting Clerk, United States District Court  
For The Middle District of Pennsylvania  
Ronald Reagan Federal Bldg. & U.S.  
Courthouse  
228 Walnut Street  
Harrisburg, PA 17101